(3)

C.S. 1001 — Single Bench

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P.NO. 929 / 2005

Petitioner : Daulal Sahu
S/o Sonu Ram Sahu, Aged about 46 years, R/o Village Budera, P.O. Kharora, Post Office, Kharora, Dist : Raipur (C.G.).

Versus

Respondents :

1. State of Chhattisgarh,
Through Secretary Department of Public Works Department, D.K.S. Bhawan, Raipur (C.G.).

2. Sub Divisional Officer (T&M)
Sub Division PWD (B&R)
Baloda Bazar,
Dist : Raipur-(C.G.)

3. The Executive Engineer,
P.W.D. Division 2,
Baloda Bazar, Dist : Raipur (C.G.).

W.P. No. 923/05
Presented by Shri A. Pandey
Dated 04-03-05

WRIT U/A 226 / 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS, PROHIBITION, CERTERIORAI ETC OR ANY OTHER DIRECTIONS OR ORDER

(33)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 929 **सन्** 2005

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	18.3.2005 Shri Ashok Patil, counsel for the petitioner. Shri Sudhir Agrawal, Panel Lawyer for the State/respondents. I.A.No.1801/2005 for urgent hearing is allowed. Heard. Challenging the superannuation of the petitioner on 3.5.2003 (Annexure P-1), the petitioner has filed this petition for allowing him in service till the age of 60 years and also for payment of arrears etc. Learned counsel for the petitioner submits that the petitioner has been retired with effect from 3.5.2003 on the ground that he has completed the services of 30 years. He submits that the petitioner has not completed the age of 60 years, therefore, the retirement on the basis of 30 years of service is not in accordance with law. Learned counsel for the petitioner draws attention of this Court towards the various interim orders, passed in this regard in which the notice/order of retirement on the basis of completion of 30 years of service, without completing the age of 60 years, have been stayed and the petitioners of those petitions are still continuing in service. Learned counsel for the petitioner prays that if the similar treatment is given to this petitioner also, he should be reinstated in service on the basis of previous orders passed by this Court in many	

XI-HC-22

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आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

writ petitions. According to the learned counsel for the petitioner, date of birth of the petitioner is 3.7.58 which is also recorded in service book of the petitioner.

On the above background, learned counsel for the petitioner submits that presently, this petition may be disposed of with a liberty to the petitioner to file a detailed representation before the competent authority and the competent authority may be directed to decide the same on the basis of previous orders passed in other writ petitions and take the petitioner back in job till he attains the age of superannuation.

This limited prayer is not opposed by the State counsel.

Consequently, the prayer is allowed. It is directed that if so advised, the petitioner may file a representation before the competent authority within 15 days from today along with the copy of this order and copy of writ petition along with few orders passed by this Court in other writ petitions on the basis of which the persons, not completing the age of 60 years, have been retained in job and if such a representation is filed, the competent authority shall dispose of the same in accordance with law as early as possible, preferably within a period of one month from the date of receipt of the representation.

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आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	He shall pass a reasoned order and shall consider all the grounds, raised by the petitioner in the representation. With the aforesaid observations, the petition stands finally disposed of. Certified copy as per rules. **Sd/-** **Sunil Kumar Sinha** **Judge**	

sunita

(पीछे देखिये)